

TOWN OF EMMITSBURG

Mayor
Donald N. Briggs
Town Manager
David Haller
Town Clerk
Cathy Willets

300A South Seton Avenue
Emmitsburg, Maryland 21727
301-600-6300 fax 301-600-6313

Board of Commissioners
Timothy O'Donnell, President
Clifford L. Sweeney
Glenn Blanchard
Jennifer Mellor
Joseph Ritz III

TOWN MEETING AGENDA November 16, 2015

I. CALL MEETING TO ORDER (7:30PM)

A. PLEDGE OF ALLEGIANCE TO THE FLAG

B. NEXT MEETINGS:

Town Meeting, **December 8** @ 7:30 pm

Parks Committee Meeting, **November 17** @ 7:30 pm

C. APPROVE MINUTES FROM NOVEMBER 2, 2015 TOWN MEETING

D. POLICE REPORT

E. TOWN MANAGER'S REPORT

F. TOWN PLANNER'S REPORT

G. COMMISSIONER COMMENTS

H. MAYOR'S COMMENTS

I. PUBLIC COMMENTS

J. ADMINISTRATIVE BUSINESS

K. CONSENT AGENDA

II. AGENDA ITEMS:

1. Noise and Nuisance Ordinance - discussion item
2. Resolution to approve the Comprehensive Plan
3. Holiday Parking for December

III. SET AGENDA ITEMS FOR DECEMBER 8, 2015 TOWN MEETING

IV. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

ITEM C

APPROVE MINUTES FROM NOVEMBER 2, 2015 TOWN MEETING

**MINUTES
TOWN MEETING
11/02/15
Emmitsburg Town Office**

Present: Mayor Donald Briggs; Commissioners Clifford Sweeney, Jennifer Mellor, Glenn Blanchard and Tim O'Donnell, President.

Staff present were Sue Cipperly, Town Planner; Cathy Willets, Town Clerk; and Dave Haller, Town Manager.

Absent: Joseph Ritz III, arrived at 7:50pm

I. Call to Order

Commissioner Tim O'Donnell, President of the Board of Commissioners, called the 11/02/15 Town Meeting to order at 7:30 p.m. Pledge of Allegiance was recited.

President Tim O'Donnell announced the need for a closed executive session following adjournment of this meeting as permitted by the *Annotated Code of Maryland, State Government Article: Section 10-508 (a) Closed Meetings, Item 14* for the discussion of a contract and bid proposal. See attached announcement. Motion by Commissioner Blanchard, second by Commissioner Mellor, carried 4-0 in favor, Commissioner Ritz absent.

Approval of Minutes

The Minutes of the 10/19/15 Town Meeting were approved as presented/corrected. Addition of Commissioner Mellor who seconded the motion to accept Ordinance 15-06. Motion made by Commissioner Sweeney, second by Commissioner Blanchard. Motion 4-0 in favor. Commissioner Ritz absent.

Commissioner Comments

Commissioner(s) cited attendances, recognitions and announcements. Commissioner Sweeney thanked everyone for their assistance in the Halloween parade. Commissioner Blanchard attended a meet and greet with County Council and President Otis was planning on having these once a month. He extended invitations to the MML Legislative Christmas Dinner. Commissioner Blanchard advised there was discussions about the new WWTP and solar fields. Commissioner O'Donnell contacted by HOA president in Pembroke Woods, follow-up with Town Staff about some inquires related to the HOA and neighborhood. He received a request about a zoning request. He also received feedback on doughboy timeline and people felt they had a better understanding. Eagle Scout candidate Paul Slotwinski has completed the trail marking on the multi-user trail and next step is getting the current map to align color-wise with the color coding of the blazing on the trails. Mr. Haller said staff has met with the Boy Scouts about the utilization of the Scott Rd. Farm. Mr. Haller also addressed the zoning modification request - staff is working on modification of existing ordinance to be brought to the Board related to the request the Commissioners received. There is a lot of support at the staff level. He advised that six feet must be maintained on one side of your lot - fire issue.

Mayor's Comments

Mayor Briggs attended Tourism signage meeting; SHA meeting in Baltimore about the multi-user trail with Mount and County; and the MML Fall Conference. We received plaque award for Sustainable Maryland Certified Town of Emmitsburg at the MML Fall conference. He also attended Halloween parade and Solid Waste Steering Committee at Winchester Hall. Mayor Briggs attended the Municipal Budgeting course at MML conference and Mr. Haller took the Plighted Property Course at MML Fall conference. He will be speaking with 4th grade classes at Elementary School and Mother Seton School. On December 1st, the 3rd grade class

Mother Seton School decorate tree on square. On December 18th, Emmitsburg Elementary school students will decorate the tree in front of the Community Center. On December 4th, the MML Christmas Legislative Dinner at Carriage House Inn. The Spirit of Christmas December 7th starting at 6pm. One of the programs presented by the State Attorney General at the MML Conference was dedicated to Identity Theft. He will be following up with area schools on how to protect our youth. Mayor Briggs mentioned the Community Legacy Grant and thanked Ms. Cipperly. He said staff applied for \$50,000 in 2013, 2014, and 2015. Over \$323,000 worth work has been completed downtown. Staff has applied for \$75,000 in 2016 but staff has not received any confirmation. Mayor Briggs commented that there has been some angst over some of the businesses closing. There are some positive things coming – SHA leasing space, tattoo shop, etc. which leads to traffic generation.

The Turkey Trot will be November 26 benefiting the Seton Center. Two separate SHA meetings - signage meeting was held here. Mayor Briggs said the Town got pretty much everything we wanted. The Town will be referred to a historic Emmitsburg on Rte. 15 with the sites such as National Fallen Firefighters. Mayor Briggs reviewed the progress meeting in Baltimore for the trail between the Town and MSM. There is funding for \$128,000. He said it looks pretty good. There are still no guarantees. Mr. Haller said the difficulties are the logistics of the right of way. Numerous events in December for the Christmas season.

Administrative Business

Mr. Haller advised the restrooms will not be completely winterized until after the Turkey Trot. Commissioner Blanchard asked about the remaining garden plots. He encouraged people to clean their plots. He asked about the clock for the Square. Mr. Mayor said it is still in storage until the square project is complete.

Consent Agenda

Re-appoint two members to the Citizens Advisory Committee. Commissioner Ritz said he would like to reappoint Amy Myles and Conrad Weaver for another two year term. Commissioner Ritz would like to appoint Brian Neville to the Citizens Advisory Committee. Unanimous Consent from the Board.

Reports:

Cash Activity - Commissioner Blanchard reviewed the Cash Activity report for the Town for the month of October 2015. Commissioner Sweeney asked about the status of the WWTP. Mr. Haller stated staff is just waiting on the final MDE inspection and if they find issues, we have contingency money to fix those issues. Mr. Haller mentioned USDA has already completed their inspection with final approval pending. Commissioner O'Donnell asked about the new mowing equipment. Mr. Haller advised the old mower, over 10 years old, burst into flames and had to be replaced. Mr. Haller advised this was a bidded item.

Planning Commission Report - Commissioner Sweeney advised the Planning Commission met on October 26 and approved the site plan was approved for 514 E. Main St. pending the zoning change to the B1 zoning for the four lots on East Main Street.

Comprehensive Plan modification for consideration

Ms. Cipperly said that based on recommendations from Staff, the Planning Commission, and SHA that the Town by Resolution incorporate the Catoctin Mountain National Scenic Byway plan into the Comprehensive Plan. It is a management plan to maintain the integrity of the US 15 corridor - signage, safety, scenery and also accommodate commercial, pedestrian and bicycle traffic as well as the marketing of the area. It is an overall general plan that was done in 2004 and adopted by the County, but never by the Town. The Town has been participating in activities and meetings. Resolution 2015-02R adopts the recommendations

in the 2004 Catoctin Mountain National Scenic Byway Corridor Management Plan as part of the 2015 Comprehensive Plan. Commissioner O'Donnell inquired how often it gets modified. He noted some of the content was dated. Ms. Cipperly advised it will be updated in the future. She advised there is no downside in adopting the plan. Commissioner O'Donnell stated it is very useful and in align with what the Town is trying to accomplish. Mr. Haller said this is a good base and by incorporating the plan you have the right to add to your Comprehensive Plan.

Motion: to accept Resolution 2015-02R as presented.

Motion by Commissioner Sweeney; second by Commissioner Blanchard.

Vote: 5-0 in favor

Proclamation - November is Maryland Municipal League Works Month

Commissioner O'Donnell read the proclamation as written.

Motion: - To accept the Proclamation: November is Maryland Municipal League Works Month.

Motion by Commissioner Ritz III; second by Commissioner Blanchard

Vote: 5-0 in favor

Set Agenda Items for 11/16/15 Town Meeting

1. Nuisance Ordinance - discussion item
2. Resolution to approve the Comprehensive Plan
3. Holiday Parking for December

III Public Comments

None

IV SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

IV Adjournment

With no further business, the 11/02/15 Town Meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Cathy Willets
Town Clerk

Approved:

ITEM D

Police Report – to be presented at meeting

ITEM E

Town Manager's Report

Town Manager's Report
OCTOBER 2015
Prepared by David Haller

Streets:

- Staff repaired a few of streetlights.
- Mr. Stripper painted a number of curbs yellow.
- Staff repaired/straightened sign posts.
- Staff placed rubber rings on a number of manholes.

Water:

- Rainbow Lake is now at the spillway level.
- The roughing filters are being backwashed twice a day and the DE filters are being done once per week.
- Our wells are now on average 10.3' below their May 2011 levels.
- Water production and consumption.

Staff is in the process of reviewing the data which seems to be incomplete at this time.

Wastewater:

- The overland flow treatment system is shut down.
- We received about 5.3" of precipitation this month (the average is 3.5").
 - We have a precipitation **SURPLUS** of 12.5" over the last six months. The average precipitation for the period from May 1 thru October 31 is 23.9". We have received 36.4" for that period.

- Wastewater Treatment:

Staff is in the process of reviewing the data which seems to be incomplete at this time.

- We had no spills of untreated sewerage in the month of October.
- We exceeded the plant's design capacity on five days in the month of October.

10/2	1,118,000 GPD	10/3	1,695,000 GPD	10/4	872,000 GPD
10/28	2,211,000 GPD	10/29	1,043,000 GPD		

Trash: Trash pickup will remain Mondays for the remainder of the month of November.

Parks:

- A contractor re-keyed all of the doors at the pool.
- Staff performed monthly checks in all parks.
- Staff has mowed and trimmed all parks.

I Recently Attended the Following Meetings:

- 10/01 Attended a staff meeting to discuss water meters
- 10/01 Attended a meeting with the boy scouts
- 10/08 Attended a staff meeting to discuss a GIS system for the Town
- 10/13 Attended a SHA meeting related to the Town Square Project
- 10/14 Met with a landowner to discuss possible development
- 10/21 Attended a SHA meeting related to Town Square Project
- 10/22 Met with auditors related to the Town Audit

PARKING ENFORCEMENT REPORT

Date: OCTOBER 2015

Overtime Parking: 68

Restricted Parking Zone: 3

24 Hour Consecutive Parking:

Parked in Crosswalk:

Parked on Sidewalk: 1

Parked Blocking Road:

Parked by Fire Hydrant:

Parked on Highway:

Failure to Park between Lines:

Other Violation:

Left Side Parking: 1

Meter Money: \$1,218.47

Parking Permits:

Meter Bag Rental: \$4.00

Parking Ticket Money: \$ 190.00

Funerals: 1

Total: \$ 1,412.47

Zoning/Code Enforcement Report

October 2015

1. Field meetings with contractor, Jim Click and Verizon representatives to finalize the construction of the Potomac Street sidewalk.
2. Follow up with Power Star regarding project status.
3. Attend Sustainable MD presentation at the fall Md Municipal League meeting.
4. Meet with State of MD, Mayor and Town Manager about TAC signage plans.
5. Visited 8711 Crystal fountain Rd to assess abandoned property. Entered into a contract with Boggs environmental for asbestos testing. A negative test result allowed the Town to safely raze the house and eliminate a potential liability.
6. Received a contract for the Square water line redesign from Fox. Followed up on plan status. Still waiting for a clock foundation and wiring conduit proposal.
7. Community Legacy Grant application for the renovation of the porch at 140 S Seton was approved. Selected colors for project and arranged a kick off meeting with the contractor.
8. Sent finalized Right of Entry Agreements for SHA sidewalk project on South Seton to the State for execution. Still trying to arrange a site walk with SHA and Public Works.
9. Met with GIS provider and Sue Cipperly to discuss system requirements. Reviewed their proposals.
10. Continued to follow up on the final permit approvals for the WWTP with Town Clerk.
11. Completed 2015 MD Rural Council Sustainable Community Award Application.
12. Update community Pool RFP and send to contractors and newspaper.
13. Was notified by SHA regarding the scheduled repair of valve boxes on Main Street.
14. Met with SHA, Mayor and town Manager for a Square project update.
15. Write comments for 514 E Main site plan and send to County and SHA for review.
16. Attend and speak at Sustainability Conference at FCC.
17. Meet in Baltimore with SHA, Mayor, Town Manager, County and Mount regarding Transportation Alternative Grant awards.
18. Follow up with Parsons regarding the Doughboy repair contract. Forward him potential statue contractor info.
19. Research 14 Federal Avenue and follow up with Town attorney.
20. Check status of Dollar General Bond release.
21. Respond to citizen request for property research.
22. Receive plans from FEMA for waterline. Send easement to attorney for review and approval.
Notify FEMA about the need for new chemical testing.
23. Tour town for Code Enforcement.

Zoning permits and/or zoning letters issued

Date	Address	Type	Fee
09-10-15	800 Frailey Rd	Shed/ fence	\$36
10-08-15	514 E Main St	HC ramp	\$35
10-14-15	2 W Main St	U&O and sign	\$70
10-22-15	1 Waycross Ct	Fence	\$47
10-26-15	401 W Main St	Porch roof	\$37
10-27-15	3005 Stonehurst Dr	Solar Panels	\$69
10-29-15	7 Heritage Lane	Solar Panels	\$69
10-30-15	300 E Main St	Roof Repl.	NA Legacy

ITEM F

Planner's Report

October 2015

Susan H. Cipperly, Town Planner

Meetings attended at town:

October 5 - Town Meeting
October 26 - Planning Commission meeting

1. 2015 Comprehensive Plan.

- Prepared/presented power point for October 5, 2015 public hearing.
- Prepared resolution to adopt Catoctin Mountain National Scenic Byway Management Plan as part of the Comp Plan.

2. Community Legacy Program.

- Updated excel charts tracking projects. FY2014 grant funds used up.
- Took pictures of completed and ongoing projects for submittal with reports and for project files.
- Prepared several MD Historical Review requests for CL projects and provided follow info as requested by MHT.
- Processed check requests for reimbursement of owners.
- Processed grant agreements for projects approved by MHT.
- Coordinated with DHCD as needed.
- Provided information to assist the town's auditor as needed.

3. Met with a Geographic Information Systems provider (and J. Muir) to discuss town's needs and what functions are available. A proposed course of action will be provided by the vendor.

4. Supervised Code Enforcement and Zoning activity.

5. Created new display for kiosk on the Square, showcasing Community Legacy projects.

ITEM J

Administrative Business

No items.

ITEM K

CONSENT AGENDA

No items

AGENDA ITEMS

ITEM 1

Noise and Nuisance Ordinance - discussion item

AGENDA ITEMS

ITEM 2

Ordinance 2015-07 to approve the Comprehensive Plan

Ordinance Series 2015
Ordinance No. 15-07

Page 1 of 2

Adoption of the 2015 Comprehensive Plan and Zoning Map for the Town of Emmitsburg, Maryland

WHEREAS, the Board of Commissioners of the Town of Emmitsburg, Maryland initiated a Comprehensive Plan and zoning map review in May 2015 in accordance with the requirements contained in Land Use Article, Title 3, Annotated Code of Maryland; and

WHEREAS, Land Use Article, Title 3, Annotated Code of Maryland provides that the Planning Commission shall make and approve a plan which the Planning Commission shall recommend to the local legislative body, the Town of Emmitsburg Board of Commissioners, for adoption; and

WHEREAS, requests from any property owners within the Town seeking to change the zoning classifications on property were received. Town staff prepared information and maps for the proposed zoning change, which were provided to the property owners specifically affected, and made available for public review in July 2015; and

WHEREAS, the Town of Emmitsburg Planning Commission did make a plan and zoning map review, for which a public hearing was advertised and held on July 27, 2015; and

WHEREAS, on August 31, 2015, the Town of Emmitsburg Planning Commission unanimously passed an Ordinance approving the draft 2015 Comprehensive Plan and recommending adoption of the draft Plan and Zoning Map by the Town of Emmitsburg Board of Commissioners; and

WHEREAS, the Town Board of Commissioners, after providing the required public notice, conducted a public hearing on October 5, 2015, with the record held open until November 16, 2015 concerning the Comprehensive Plan and Zoning Map; and

WHEREAS, the Town Board of Commissioners considered all of the recommendations of the Emmitsburg Planning Commission, town staff, those public comments received as part of the public hearings of the Planning Commission and before the Town Board of Commissioners, and any written correspondence which was submitted concerning the Plan by adjoining planning jurisdictions, municipalities, affected State and local agencies and interested persons, and the Town Board of Commissioners conducted this review process in sessions open to the public; and

WHEREAS, the Town Commissioners find that this plan is made in accordance with Land Use Article, Title 3, Annotated Code of Maryland with the general purpose of guiding and accomplishing the coordinated and harmonious development of the Town of Emmitsburg, and which will, in accommodating present and future needs, promote the health, safety, order, prosperity and general welfare of the Town and its citizens; and

WHEREAS, the board determines that adoption of this Comprehensive Plan and Zoning Review implements the Twelve Visions provided in the Land Use Article.

Ordinance Series 2015
Ordinance No. 15-07

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NOW THEREFORE, BE IT ENACTED AND ORDAINED, BY THE BOARD OF COMMISSIONERS, TOWN OF EMMITSBURG, MARYLAND, as follows:

1. The 2015 Comprehensive Plan and associated zoning review is hereby approved and adopted.
2. The land use and growth boundary maps found in the Maps section are hereby adopted, containing the specific land use plan designations for parcels within the Town of Emmitsburg, as shown thereon.
3. The Town Zoning Map included in the 2015 Comprehensive Plan as amended by this Ordinance, is hereby adopted, containing the specific zoning classifications for the subject parcels for the Town of Emmitsburg as shown thereon.
4. The zoning classification for the parcels identified on tax map 300, parcels 1884, 1886, 1887, and 1888 shall be changed from R-1 to B-1 Neighborhood Commercial.
5. The 2015 Town of Emmitsburg Comprehensive Plan including the Comprehensive Plan map and the recommended revisions to the Zoning Map, replaces all previous land use plans and maps the Town Board has adopted pursuant to the Land Use Article of the Annotated Code of Maryland.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners pass the Ordinance over the veto of the Mayor.

PASSED this _____ day of _____, 2015 by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS

By: _____
Amy Naill, Recording Secretary Timothy O'Donnell, President

MAYOR

_____ APPROVED _____ VETOED

this _____ day of _____, 2015.

Donald N. Briggs, Mayor

AGENDA ITEMS

ITEM 3

Holiday Parking for December – meter parking

Staff recommends for the holiday season free metered parking from December 18, 2015 through January 4, 2016.

IV) SET AGENDA ITEMS FOR DECEMBER 8, 2015 TOWN MEETING

1.

2.

3.

4.

5.

6.

V) SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS